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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Application Number	09/851,593
TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)				Filing Date	May 8, 2001
				First Named Inventor	Tian Shen
				Group Art Unit Number	2633
				Examiner Name	Not yet known
Total Number of Pages in This Submission		5	Attorney Docket Number		20852-05135

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ENCLOSURES (check all that apply)

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REMARKS:

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Signature:	<i>Eileen A. Lehmann</i>		
Attorney/Reg. No.:	Eileen A. Lehmann, Reg. No. 39,272	Dated:	10/31/02

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I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box PGPUB Drawings, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Tian Shen, Robert B. Clarke, Jr., Thomas J. Roman; David B. Upham; David A. Pechner and Laurence J. Newell

APPLICATION NO.: 09/851,593

FILING DATE: May 8, 2001

TITLE: Variable Rate High-Speed Input And Output In Optical Communication Networks

EXAMINER: Not yet known

GROUP ART UNIT: 2633

ATTY. DKT. NO.: 20852-05135

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INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449/PTO-8A listing references for consideration by the Examiner. The references listed were cited in 09/405,367 filed on September 24, 1999 from which this application claims priority under 35 U.S.C. § 120.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
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foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☒ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. 09/405,367 filed on September 24, 1999, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
Tian Shen, Robert B. Clarke, Jr., Thomas J. Roman;
David B. Upham; David A. Pechner and Laurence J.
Newell

Dated: 10/31/02

By: Eileen A. Lehmann
Eileen A. Lehmann, Reg. No.: 39,272
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7246
Fax.: (650) 494-1417



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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application No.	09/851,593
				Filing Dat	May 8, 2001
				First Named Inventor	Tian Shen
				Art Unit	2633
				Examiner Name	Not Yet Known
Sheet	1	of	1	Attorney Docket Number	5135 US

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A	US-4704715	11-03-1987	Shibagaki et al.
	B	US-5018135	05-21-1991	Ashi et al.
	C	US-5111323	05-05-1992	Tanaka et al.
	D	US-5134609	07-28-1992	Mori et al.
	E	US-5311501	05-10-1994	Takatsu
	F	US-5896387	04-20-1999	Fujita et al.
	G	US-6111676	08-29-2000	Lemus et al.
	H	US-6144428	11-07-2000	Schadt et al.
	I	US-6144786	11-07-2000	Chethik
	J	US-6288808 B1	09-11-2001	Lee et al.
	K	US-6335810 B1	01-01-2002	Uehara

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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